

ADULT PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

Report to the Legislative Council  
and the Members of the  
Second Session of the Sixty-sixth General Assembly  
State of Iowa  
1976

F I N A L   R E P O R T

ADULT PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

November, 1975

House Concurrent Resolution 22, introduced in the Sixty-sixty General Assembly, 1975 Session, requested that the Iowa Legislative Council establish a Study Committee for the 1975 legislative interim to investigate any problems existing in the state penal and correctional system. The membership of the Study Committee is as follows:

Representative Donald V. Doyle, Chairperson  
Senator Robert M. Carr, Vice Chairperson  
Senator James M. Redmond  
Senator Forrest V. Schwengels  
Senator Richard R. Ramsey  
Representative Frank Crabb  
Representative Joan Lipsky  
Representative Scott Newhard  
Representative Clay Spear

With the authorization of the Legislative Council, the Study Committee selected advisors nominated by law enforcement, correctional and judicial associations. These advisors are as follows: Judge Thomas F. Bown; Parole and Probation Supervisor C. Leroy Johnson; Captain of Police Gordon C. Richards; Sheriff John Stark. Also with Legislative Council authorization, advisors were chosen from among the inmates and staff at the State Penitentiary, the Women's Reformatory, and the Men's Reformatory. These advisors are as follows: Mr. Ed Gilmore, Ms. Kathy Grooters, Mr. Ken Marlin, Ms. Debbie Nicholson, Mr. Rick Shawhan, Mr. David Warner.

The Study Committee conducted visits at the State Penitentiary, the Women's Reformatory, the Men's Reformatory, Luster Heights Work Camp, Riverview Release Center, and the Men's Residential Facility at Fort Des Moines. At each of these visits the Committee members had opportunities to question the inmates, staff and administrators. The Study Committee solicited statements from the administrators, staff, and inmates of each of the penitentiary and reformatories.

Based on the testimony received by the Committee and its discussion, the Study Committee recommends passage of the following bills presently pending in the General Assembly: House File 435, An Act relating to compensation for inmates and prisoners. House File 456, An Act relating to the granting of furloughs of inmates. House File 458, An Act relating to work release programs for inmates of institutions. House File 503, An Act relating to transfer of prisoners at institutions administered by the Depart-

ment of Social Services. House File 651, An Act relating to the criminal sexual psychopath law. Senate File 252, An Act relating to the supervision of probationers and parolees. Senate File 253, An Act relating to exchange of inmates with federal bureau of prisons. Senate File 254, An Act relating to the cash depreciation fund for the prison industries. Senate File 382, An Act relating to the payment or pay to correctional employees for work performed in excess of eight hours per day. The Committee also recommends the passage of House File 430 and Senate File 552, both of which relate to the performance of autopsies upon inmates of state institutions. The Committee also recommends passage of the first new section contained in House File 771 providing for payment of legal fees to employees of adult penal and correctional institutions. The Committee recommends that the second new section of House File 771 providing the payment of death benefits of correctional officers be considered by the Peace Officers' Pension Subcommittee of the State Government Standing Committees:

The Study Committee also recommends the following:

1. The provisions for the payment of money and transportation upon discharge should be changed. Transportation should be paid to the place indicated in the inmate's parole or discharge plans rather than the place of the inmate's choice. Money in the sum of \$100 should be paid to all inmates being paroled directly from the institution or being discharged upon court order or expiration of sentence. Money in the amount of \$50 should be paid to all inmates going on work release away from the institution, and an additional \$50 should be paid to those inmates going from an educational work release to parole.
2. All of the employees at the penitentiary and reformatories should be provided with a midshift meal while on duty. Presently the Code provides for a midshift meal while on duty for the correctional officers at the Men's Reformatory and the State Penitentiary.
3. When an inmate of the state institution is taken to the university hospital, the institution rather than the hospital should determine what security arrangements should be provided.
4. Chapter 783 "Insanity During Trial" should be amended to provide a more functional definition of "until his reason is restored." The Chapter should also be amended to provide the court with more flexibility in the manner and place of treatment in response to the defendant's insanity.
5. The ratio of inmates to counselors at the penitentiary and reformatories should not exceed 50 to 1.
6. The matrons at the Women's Reformatory should be put on eight-hour shifts.

7. The Iowa Security Medical Facility should be financed in the same manner as the mental health institutes.

8. The penitentiary and the reformatories should provide medical services at the level recommended by the Iowa Department of Health.

9. First aid instruction should be part of staff training at all of the institutions.

10. Work should be provided for all the inmates at the institution.

11. Additional housing should be made available for work release programs.

12. The priorities system of the institutional road fund should be reexamined by the appropriate standing committee.

13. The appropriate standing committee should study the cost to the counties of providing medical services to those inmates who are committed to the jurisdiction of the Department of Social Services but are placed in county jails.

14. The Appropriation Committees of the House of Representatives and Senate should favorably consider funding an additional liaison officer for the Parole Board.

15. The Legislative Council should authorize the Adult Penal and Correctional Systems Study Committee to continue during the 1976 legislative interim and that the Study Committee have as one of its priorities a study of Iowa's parole system.

16. The Citizens' Aide should be allowed access to all records of state agencies except income tax, personal medical records or student records without obtaining a release from the person on whom the records are kept.

17. The mental health institute at Mount Pleasant should be converted into a medium security correctional facility for men and the Department of Social Services should submit a report to the legislature as to where the present mental health patients would be placed.

18. The establishment of community-based correctional programs should be mandated and local advisory councils should be established in each judicial district to expedite this process. All adult correctional services should be unified under the jurisdiction of the Division of Corrections of the Department of Social Services.

19. The Study Committee recommends that the following statement and recommendations be included in the final report:

Iowa is faced with a shortage of housing for male felons sentenced to confinement. The Men's Reformatory is full and the Penitentiary is rapidly filling. The inmate population at the Penitentiary went over 800 on October 2, 1975--the day the Committee was there. On October 2, 1974, the population was 560. Iowa has never put two or more men in the same prison cell and should not start now.

The number of felons who would otherwise be incarcerated, would be reduced by the continued development of community-based corrections and by allowing the courts to reconsider the commitment of a felon within ninety days of confinement. But even with the adoption of these recommended measures, it is projected that the number of prisoners will increase until about 1982.

Iowa State Penitentiary, Fort Madison, has about 925 cells which should be enough for male prisoners requiring confinement in a maximum security prison. The Penitentiary now houses about 50 prisoners at a nearby farm under minimum security. If the dormitory at Farm No. 3 were repaired, about 50 men could be housed there. Outside the prison wall, but on the Penitentiary grounds, is an unused dormitory built about ten years ago to house 100 men with minimum security.

The potential housing problem at Fort Madison is caused by the transfer from the Reformatory at Anamosa of men under age 31 who would be confined at Anamosa, if sufficient housing were available in the medium-security facility there. At the present rate, the Penitentiary will be full before additional beds can be made available by remodeling at Anamosa.

Enlargement of the Penitentiary should not be a part of Iowa's long-range planning. But to help in meeting the critical housing problem that may be only a year away, the Committee concurs with the proposal of the Division of Correctional Institutions that the unused dormitory on the Penitentiary grounds be remodeled to provide individual rooms, or cells, for about 60 men and that the security of the building be improved. The Committee also concurs in the proposed repair of the dormitory on Farm No. 3, so that about 50 men can be housed there.

At the Men's Reformatory, Anamosa, the cells have been removed from the North Cell House--only the walls and roof remain. It is planned to ask for bids in early 1976 to remodel this building so that it will contain the visiting room, the social, clinical, and medical services, and housing (38 cells) for new inmates during their orientation.

As soon as the remodeled North Cell House can be occupied, the Division of Correctional Institutions would like to convert the space now occupied by the social, clinical, and medical services to inmate housing. This remodeling will add about 125 additional beds in 1978. The Committee concurs in these plans, or alternative building plans at Anamosa if the North Cell House remodeling is not economically feasible, and recommends that they be implemented as soon as possible. With the 38 rooms which will be added in 1977, the inmate capacity of the reformatory will be increased by about 163--from the present 715 to about 878.

Both the Penitentiary and the Men's Reformatory may be full before the 125 additional rooms become available. Also, the 125 rooms will not meet the long-range needs. If the inmate population continues to increase 200 a year--as it did from June 30, 1974 (1453 men) to June 30, 1975 (1659 men)--the Reformatory and the Penitentiary will both be full by June 30, 1976. Iowa must begin planning now for medium-security housing in addition to the 38 rooms planned for March, 1977 and the 125 rooms that will be available in 1978, provided sufficient funds are appropriated.

Bill drafts designed to implement these recommendations are attached.

PREPARED BY THE LEGISLATIVE  
SERVICE BUREAU AT THE REQUEST  
OF THE ADULT PENAL AND CORREC-  
TIONAL SYSTEMS STUDY COMMITTEE  
FOR CONSIDERATION BY THE  
IOWA GENERAL ASSEMBLY.  
January, 1976.

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to security arrangements for inmates from  
2 other institutions at the state university hospital.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred fifty-five point twenty-  
2 eight (255.28), Code 1975, is amended to read as follows:

3 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.

4 The commissioner of the department of social services and  
5 the director of any of the divisions of such department, and  
6 the state board ~~in-control~~ of regents for the Iowa braille  
7 and sight-saving school, and the Iowa school for the deaf,  
8 may, respectively, send any inmate, student or patient of  
9 any of said institutions, or any person committed or applying  
10 for admission thereto, to the hospital of the medical college  
11 of the state university for treatment and care as provided  
12 in this chapter, without securing the order of court required  
13 in other cases. ~~Said~~ The state department of social services  
14 and the state board ~~in-control~~ of regents for the Iowa braille  
15 and sight-savings school and the Iowa school for the deaf  
16 shall respectively pay the traveling expenses of any patient  
17 thus committed, and when necessary the traveling expenses  
18 of an attendant for such patient, out of funds appropriated  
19 for the use of the institution from which he is sent. The  
20 determination of the security arrangements provided for the  
21 patient admitted or committed shall be made by the institution  
22 from which the patient is sent.

23 EXPLANATION

24 The bill directs the state institution sending a patient  
25 to the hospital of the state university medical college to  
26 determine the security arrangements necessary for that patient.  
27 Presently this decision is made by the hospital.

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PREPARED BY THE LEGISLATIVE  
SERVICE BUREAU AT THE REQUEST  
OF THE ADULT PENAL AND CORRECTIONAL  
SYSTEMS STUDY COMMITTEE FOR CON-  
SIDERATION BY THE IOWA GENERAL  
ASSEMBLY.  
January, 1976

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to provide a midshift meal to employees of the correc-  
2 tional institutions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter two hundred forty-five (245), Code  
2 1975, is amended by adding the following new section:

3 NEW SECTION. The employees of the women's reformatory  
4 shall receive a midshift meal when on duty.

5 Sec. 2. Section two hundred forty-six point three (246.3),  
6 unnumbered paragraphs one (1) and two (2), Code 1975, are  
7 amended to read as follows:

8 The warden, ~~deputy-warden, assistant-deputy-warden,~~  
9 ~~chief-clerk, chaplain, additional-chaplain, physician, store-~~  
10 ~~keeper, record-clerk, and receiving-officer~~ and other employees  
11 of the penitentiary and men's reformatory shall receive such  
12 salaries ~~as shall be determined by the state director:~~

13 ~~Captains, inspectors, turnkeys, guards first-class, guards~~  
14 ~~second-class, and guards third-class shall receive~~ or such  
15 compensation as shall be determined by the state director  
16 and in addition shall receive a midshift meal when on duty.

17 EXPLANATION

18 The bill provides for the giving of a midshift meal to  
19 the employees of the Women's Reformatory, the Men's Reforma-  
20 tory, and the State Penitentiary. Presently the Code provides  
21 for giving a midshift meal to the correctional officers at  
22 the Men's Reformatory and the State Penitentiary.

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PREPARED BY THE LEGISLATIVE  
SERVICE BUREAU AT THE REQUEST  
OF THE ADULT PENAL AND CORREC-  
TIONAL SYSTEMS STUDY COMMITTEE  
FOR CONSIDERATION BY THE  
IOWA GENERAL ASSEMBLY.  
January, 1976.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to access to information by the citizens'  
2 aide.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred one G point nine (601G.9),  
2 subsection three (3), Code 1975, is amended to read as follows:

3 3. He may request and shall be given by each agency such  
4 assistance and information as may be necessary in the per-  
5 formance of his duties. He may examine the records and docu-  
6 ments of all agencies ~~not specifically made confidential by~~  
7 law except income tax records, personal medical records or  
8 student records unless a written release is executed by the  
9 person authorized by law to release such information. He  
10 may enter and inspect premises within any agency's control.

11 EXPLANATION

12 The bill allows the citizens' aide to examine documents  
13 which are otherwise confidential. Access to income tax, med-  
14 ical and student records is restricted by the requirement  
15 of a written release.

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to community-based correctional programs and  
2 services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred seventeen point fourteen  
2 (217.14), Code 1975, is amended by adding the following new  
3 subsection:

4 NEW SUBSECTION. Establish and operate a system of  
5 community-based correctional programs and services to serve  
6 the judicial districts of the state.

7 Sec. 2. Section two hundred seventeen point twentyfour  
8 (217.24), Code 1975, is amended to read as follows:

9 217.24 DEFINITION. As used in this division, unless the  
10 context otherwise requires:

11 "Community-based correction programs and services" means  
12 locally administered sited correctional programs and services  
13 designed to rehabilitate persons charged with or convicted  
14 of a felony or indictable misdemeanor and persons on parole  
15 or probation as a result of a sentence for or conviction of  
16 these offenses.

17 Sec. 3. Chapter two hundred seventeen (217), Code 1975,  
18 is amended by adding the following new section.

19 NEW SECTION. The department of social services shall  
20 establish local advisory councils in each of the judicial  
21 districts, composed of people from that district who are  
22 knowledgeable in the criminal justice system, to assist the  
23 department in implementing and operating the community  
24 corrections program.

25 Sec. 4. Sections two hundred seventeen point twenty-five  
26 (217.25), two hundred seventeen point twenty-six (217.26),  
27 and two hundred seventeen point twenty-seven (217.27), Code  
28 1975, are repealed.

29 EXPLANATION

30 The bill provides that the community corrections program  
31 shall be operated by the division of corrections of the  
32 department of social services. The program shall be  
33 administered by judicial district. The department of social  
34 services shall establish advisory councils in each judicial  
35 district.

PREPARED BY THE LEGISLATIVE  
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GENERAL ASSEMBLY.  
January, 1976.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to providing discharged and paroled inmates  
2 of the women's reformatory, men's reformatory, and state  
3 penitentiary with clothing, money, and transportation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred forty-five point fourteen  
2 (245.14), Code 1975, as amended by Acts of the Sixty-sixth  
3 General Assembly, 1975 Session, chapter one hundred forty-six  
4 (146), section one (1), is further amended by striking the  
5 section and inserting in lieu thereof the following:

6 245.14 CLOTHING, MONEY, AND TRANSPORTATION. When an  
7 inmate is discharged, paroled, or placed on work release  
8 residing away from the institution, the superintendent shall  
9 furnish her, at state expense, transportation to the place  
10 in this state indicated in the inmate's discharge, parole,  
11 or work release plan, appropriate clothing, and money in  
12 accordance with the following schedule:

- 13 1. Upon discharge or parole, one hundred dollars.
- 14 2. Upon being placed on work release residing away from  
15 the institution, fifty dollars.
- 16 3. Upon going from an educational work release to parole,  
17 fifty dollars.

18 Those inmates receiving payment under subsections two (2)  
19 and three (3) of this section shall not be eligible for payment  
20 under subsection one (1) of this section unless they are  
21 returned to the institution. The superintendent shall maintain  
22 an account of all funds expended pursuant to this section.

23 Sec. 2. Section two hundred forty-six point forty-four  
24 (246.44), Code 1975, as amended by the Acts of the Sixty-sixth  
25 General Assembly, 1975 Session, chapter one hundred forty-six  
26 (146), section two (2), is further amended by striking the  
27 section and inserting in lieu thereof the following:

28 246.44 CLOTHING, TRANSPORTATION AND MONEY. When an inmate  
29 is discharged, paroled, or placed on work release residing  
30 away from the institution, the warden or superintendent shall  
31 furnish him, at state expense, transportation to the place  
32 in this state indicated in the inmate's discharge, parole,  
33 or work release plan, appropriate clothing, and money in  
34 accordance with the following schedule:

- 35 1. Upon discharge or parole, one hundred dollars.



PREPARED BY THE LEGISLATIVE  
SERVICE BUREAU AT THE REQUEST  
OF THE ADULT PENAL AND CORREC-  
TIONAL SYSTEMS STUDY COMMITTEE  
FOR CONSIDERATION BY THE IOWA  
GENERAL ASSEMBLY.  
January, 1976.

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the insanity of a defendant during trial.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seven hundred eighty-three point three  
2 (783.3), Code 1975, is amended to read as follows:

3 783.3 FINDING OF INSANITY--DISCHARGE. If the accused  
4 shall be found insane, no further proceedings shall be taken  
5 under the indictment until ~~his reason is restored, and, if~~  
6 ~~his discharge will endanger the public peace or safety, the~~  
7 ~~court must order him committed to the Iowa security medical~~  
8 ~~facility until he becomes sane, but if~~ until the accused is  
9 able to understand the indictment and cooperate with counsel  
10 in his or her defense. The court shall direct that treatment  
11 be provided in the least restrictive manner consistent with  
12 the public peace or safety. If found sane, the trial upon  
13 the indictment shall proceed, and the question of the then  
14 insanity of the accused cannot be raised therein.

15 Sec. 2. Section seven hundred eighty-three point four  
16 (783.4), Code 1975, is amended to read as follows:

17 783.4 RESTORED TO REASON--RETURNED TO CUSTODY. ~~If the~~  
18 ~~accused is committed to the Iowa security medical facility,~~  
19 ~~as soon as he becomes mentally restored,~~ After treatment has  
20 been provided and the accused is able to understand the in-  
21 dictment and cooperate with counsel in his or her defense,  
22 the person in charge shall at once give notice to the sheriff  
23 and county attorney of the proper county of such fact, and  
24 the sheriff, without delay, must receive and hold him in  
25 custody until he is brought to trial or judgment, as the case  
26 may be, or is legally discharged, the expense for conveying  
27 and returning him, or any other, to be paid in the first  
28 instance by the county from which he is sent, but such county  
29 may recover the same from his estate, or a relative, or another  
30 county or municipal body bound to provide for or maintain  
31 him elsewhere, and the sheriff shall be allowed for his  
32 services the same fees as are allowed for conveying convicts  
33 to the penitentiary.

34 Sec. 3. Section seven hundred eighty-three point five  
35 (783.5), Code 1975, is amended to read as follows:



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SERVICE BUREAU AT THE REQUEST  
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TIONAL SYSTEMS STUDY COMMITTEE  
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GENERAL ASSEMBLY.  
January, 1976.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the Iowa security medical facility.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred twenty-three point eight  
2 (223.8), Code 1975, as amended by Acts of the Sixty-sixth  
3 General Assembly, 1975 Session, chapter one hundred thirty-  
4 nine (139), section forty (40), is further amended by striking  
5 the section and inserting in lieu thereof the following:

6 223.8 COSTS AND CHARGES. Chapter two hundred thirty  
7 (230), Code 1975, shall govern the determination of the costs  
8 and charges for the care and treatment of mentally ill patients  
9 admitted to the Iowa security medical facility.

10 EXPLANATION

11 The bill provides that charges and costs for all the  
12 patients at the Iowa security medical facility be governed  
13 by chapter 230 of the Code. Presently only the charges and  
14 costs of those patients civilly committed upon the authoriza-  
15 tion of the district court or having no legal settlement in  
16 the state are governed by chapter 230.

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PREPARED BY THE LEGISLATIVE SERVICE  
BUREAU AT THE REQUEST OF THE ADULT  
PENAL AND CORRECTIONAL SYSTEMS STUDY  
COMMITTEE FOR CONSIDERATION BY THE  
IOWA GENERAL ASSEMBLY.  
January, 1976.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to convert the Mount Pleasant mental health institute  
2 to a medium security correctional institution.

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1 Section 1. Section two hundred seventeen point eleven  
2 (217.11), Code 1975, is amended to read as follows:

3 217.11 INSTITUTIONS GOVERNED. The director of the division  
4 of mental health shall be responsible for and in control of  
5 the administration of institutions and programs regarding  
6 the care, treatment and supervision of the mentally ill and  
7 the mentally retarded and in particular shall be in control  
8 of and administer and supervise the following state  
9 institutions: The Mount-Pleasant-Mental-Health-Institute,  
10 the Independence Mental Health Institute, the Cherokee Mental  
11 Health Institute, the Clarinda Mental Health Institute and  
12 the Glenwood and Woodward State Schools and Hospitals. He  
13 shall also carry out such other functions and duties as may  
14 be delegated to him by the commissioner of social services.

15 Sec. 2. Section two hundred seventeen point fourteen  
16 (217.14), subsection one (1), Code 1975, is amended to read  
17 as follows:

18 1. Administer and control the operation of the men's  
19 reformatory, men's correctional institution, women's  
20 reformatory and state penitentiary and the Iowa security  
21 medical facility.

22 Sec. 3. Section two hundred eighteen point one (218.1),  
23 Code 1975, is amended by striking subsection seven (7).

24 Sec. 4. Section two hundred eighteen point one (218.1),  
25 Code 1975, is amended by adding the following new subsec-  
26 tion:

27 NEW SUBSECTION. Men's correctional institution.

28 Sec. 5. Section two hundred eighteen point three (218.3),  
29 subsections two (2) and three (3), Code 1975, are amended  
30 to read as follows:

31 2. The director of the division of mental health of the  
32 department of social services shall have primary authority  
33 and responsibility relative to the following institutions:  
34 Glenwood State Hospital-School, Woodward State Hospital-School,  
35 Mental Health Institute, Cherokee, Iowa, Mental Health

1 Institute, Clarinda, Iowa, and Mental Health Institute,  
2 Independence, Iowa ~~and-Mental-Health-Institute,-Mount-Pleasant,~~  
3 Iowa.

4 3. The director of the division of corrections of the  
5 department of social services shall have primary authority  
6 and responsibility relative to the following institutions:  
7 Women's Reformatory, Men's Reformatory, Men's Correctional  
8 Institution, and State Penitentiary.

9 Sec. 6. Section two hundred eighteen point nine (218.9),  
10 unnumbered paragraph two (2), Code 1975, is amended to read  
11 as follows:

12 The director of the division of corrections of the depart-  
13 ment of social services, subject to the approval of the  
14 commissioner of such department, shall appoint the wardens  
15 of the state penitentiary, men's correctional institution,  
16 and the men's reformatory and the superintendents of the Iowa  
17 security medical facility and of the women's reformatory.

18 Sec. 7. Section two hundred eighteen point ninety-one  
19 (218.91), Code 1975, is amended to read as follows:

20 218.91 BOYS TRANSFERRED FROM TRAINING SCHOOL TO REFORMA-  
21 TORY. The director of the division of child and family  
22 services with the consent and approval of the director of  
23 the division of corrections of the department of social  
24 services may order the transfer of inmates of the training  
25 school for boys to the men's reformatory or men's correc-  
26 tional institution for custodial care whenever it is determined  
27 that such action will be conducive to the welfare of the other  
28 inmates of the school. Such transfer shall be effected by  
29 application in writing to the district court, or any judge  
30 thereof, of the county in which the said training school is  
31 situated. Upon the granting of the order of transfer, the  
32 transfer shall take place. The county attorney of the said  
33 county shall appear in support of such application. The cost  
34 of the transfer shall be paid from the funds of the training  
35 school for boys. Subsequent to a transfer made under this

1 section, the person transferred shall be subject to all the  
2 provisions of law and regulations of the institution to which  
3 he is transferred, and for the purposes of chapter 745 such  
4 person shall be regarded as having been committed to the  
5 institution.

6 Sec. 8. Section two hundred forty-six point two (246.2),  
7 Code 1975, is amended to read as follows:

8 246.2 DUTY OF WARDENS. The wardens of the penitenti-  
9 ary, men's correctional institution, and ~~of the~~ men's  
10 reformatory shall live within the precincts of said institu-  
11 tions, respectively, and shall devote their entire time to  
12 the duties of their positions.

13 Sec. 9. Section two hundred forty-six point three (246.3),  
14 unnumbered paragraph one (1), Code 1975, is amended to read  
15 as follows:

16 The warden, deputy warden, assistant deputy warden, chief  
17 clerk, chaplain, additional chaplain, physician, storekeeper,  
18 record clerk, and receiving officer of the penitentiary, men's  
19 correctional institution, and men's reformatory shall receive  
20 such salaries as shall be determined by the state director.

21 Sec. 10. Section two hundred forty-six point six (246.6),  
22 Code 1975, is amended to read as follows:

23 246.6 HOUSEHOLD AND DOMESTIC SERVICE. The wardens of  
24 the penitentiary, men's correctional institution, and the  
25 men's reformatory shall be entitled to receive the labor of  
26 prisoners, not exceeding three at one time, for household  
27 and domestic service in their own families.

28 Sec. 11. Section two hundred forty-six point eleven  
29 (246.11), Code 1975, is amended to read as follows:

30 246.11 FEDERAL PRISONERS. Convicts sentenced for any  
31 term at hard labor by any court of the United States may be  
32 received by the warden into the penitentiary, men's  
33 correctional institution, or ~~the~~ men's reformatory and there  
34 kept in pursuance of their sentences.

35 Sec. 12. Section two hundred forty-six point twelve

1 (246.12), Code 1975, is amended to read as follows:

2 246.12 TRANSFERS FROM PENITENTIARY. The state director  
3 may transfer first term and promising prisoners from the  
4 penitentiary to unoccupied rooms in the men's correctional  
5 institution or men's reformatory whenever the number of inmates  
6 in the penitentiary exceeds the number of cells therein.  
7 He may also transfer to the men's correctional institution  
8 or men's reformatory other prisoners when satisfied that such  
9 transfer will be to the best interest of the institutions  
10 and of the prisoners.

11 Sec. 13. Section two hundred forty-six point thirteen  
12 (246.13), Code 1975, is amended to read as follows:

13 246.13 PERMISSIVE TRANSFERS. The state director may  
14 transfer prisoners from the men's reformatory and men's  
15 correctional institution to the penitentiary:

16 1. When the prisoner has been guilty of insubordination  
17 or of repeated violations of the rules of the reformatory  
18 or men's correctional institution.

19 2. When the prisoner is not a hopeful subject for  
20 ~~reformatory~~ treatment at the men's reformatory or men's  
21 correctional institution.

22 Sec. 14. Section two hundred forty-six point fourteen  
23 (246.14), Code 1975, is amended to read as follows:

24 246.14 MANDATORY TRANSFERS. Said state director shall  
25 transfer a prisoner from the men's correctional institution  
26 or men's reformatory to the penitentiary when, after his  
27 commitment to the reformatory or men's correctional institu-  
28 tion, it is discovered that he is over thirty years of age,  
29 or that he has, prior to his last conviction, been convicted  
30 in any court of any felony; but such transfer shall not be  
31 made unless there are suitable accommodations at the peni-  
32 tentiary to care for such prisoner.

33 Sec. 15. Section two hundred forty-six point sixteen  
34 (246.16), Code 1975, is amended to read as follows:

35 246.16 TRANSFER OF MENTALLY ILL. When the said state

1 director has cause to believe that a prisoner in the  
2 penitentiary, men's correctional institution, or reformatory  
3 is mentally ill, the department may cause such prisoner to  
4 be transferred to the Iowa security medical facility for  
5 examination, diagnosis, or treatment. The prisoner shall  
6 be confined at such institution or a state hospital for the  
7 mentally ill until the expiration of his sentence or until  
8 he is pronounced in good mental health. If the prisoner is  
9 pronounced in good mental health before the expiration of  
10 his sentence, he shall be returned to the ~~penitentiary-or~~  
11 ~~reformatory~~ sending institution until the expiration of his  
12 sentence. The provisions of the Code applicable to an inmate  
13 at the correctional institution from which transferred shall  
14 remain applicable during the inmate's stay at the Iowa security  
15 medical facility. However, sections 246.32 and 246.33 shall  
16 apply to the total inmate population, including both convicts  
17 and patients.

18 Sec. 16. Section two hundred forty-six point seventeen  
19 (246.17), Code 1975, is amended to read as follows:

20 246.17 DISCHARGE OF MENTALLY ILL. When the state director  
21 has reason to believe that a prisoner in the penitentiary,  
22 men's correctional institution, or ~~said~~ reformatory, whose  
23 sentence has expired, is mentally ill, it shall cause examina-  
24 tion to be made of such prisoner by competent physicians who  
25 shall certify to the state director whether such prisoner  
26 is in good mental health or mentally ill. The state director  
27 may make further investigation and if satisfied that he is  
28 mentally ill, he may cause him to be transferred to one of  
29 the hospitals for the mentally ill, or may order him to be  
30 confined in the Iowa security medical facility.

31 Sec. 17. Section two hundred forty-six point eighteen  
32 (246.18), Code 1975, is amended to read as follows:

33 246.18 EMPLOYMENT OF PRISONERS--INSTITUTIONS AND PARKS.  
34 Prisoners in the penitentiary, men's correctional institu-  
35 tion, or men's reformatory shall be employed only on state

1 account in the maintenance of the institutions, in the erection,  
2 tion, repair, or operation of buildings and works used in  
3 connection with said institutions, and in such industries  
4 as may be established and maintained in connection therewith  
5 by the state director. The state director may detail prisoners,  
6 oners, classed as trustees, from the state penitentiary, men's  
7 correctional institution, or reformatory to perform services  
8 for the conservation commission within the state parks. The  
9 conservation commission shall provide proper supervision,  
10 housing and maintenance for said prisoners but the surveillance  
11 of said prisoners shall remain under employees of the state  
12 director. All such employment, including but not limited  
13 to that provided in this section, shall have as its primary  
14 purpose, and shall provide for, inculcation or the reactivation  
15 of attitudes, skills, and habit patterns which will be  
16 conducive to prisoner rehabilitation.

17 Sec. 18. Section two hundred forty-six point twenty-five  
18 (246.25), Code 1975, is amended to read as follows:

19 246.25 LIMITATION ON CONTRACT. The state director or  
20 the ~~warden~~ wardens of the state penitentiary, ~~or the warden~~  
21 ~~of the~~ reformatory, or men's correctional institution shall  
22 not, nor shall any other person employed by the state, make  
23 any contract by which the labor or time of any prisoner or  
24 inmate in such penitentiary, men's correctional institution,  
25 or reformatory shall be contracted, let, farmed out, given,  
26 or sold to any person, firm, association, or corporation.

27 Sec. 19. Section two hundred forty-six point twenty-six  
28 (246.26), Code 1975, is amended to read as follows:

29 246.26 INDUSTRY REVOLVING FUND. There shall be created  
30 and established for the state penitentiary at Fort Madison,  
31 for the men's correctional institution at Mount Pleasant,  
32 and for the state reformatory at Anamosa an establishing and  
33 maintaining industries revolving fund, which fund shall be  
34 permanent and composed of the receipts from the sales of  
35 articles and products manufactured and produced, from the

1 sale of obsolete and discarded property belonging to the  
2 various industrial departments, and from the funds now in  
3 the establishing and maintaining industry funds for each of  
4 said institutions.

5 Sec. 20. Section two hundred forty-six point thirty-four  
6 (246.34), Code 1975, is amended to read as follows:

7 246.34 ESCAPE OF PRISONER. If a convict escapes from  
8 the penitentiary, Iowa security medical facility, men's  
9 correctional institution, or the men's reformatory, the warden  
10 or superintendent shall take all proper measures for his  
11 apprehension.

12 Sec. 21. Section two hundred forty-six point thirty-eight  
13 (246.38), Code 1975, is amended to read as follows:

14 246.38 TIME TO BE SERVED--CREDIT. No convict shall be  
15 discharged from the penitentiary, men's correctional  
16 institution, or the men's reformatory until he has served  
17 the full term for which he was sentenced, less good time  
18 earned and not forfeited, unless he be pardoned or otherwise  
19 legally released. He shall be deemed to be serving his  
20 sentence from the day on which he is received into the  
21 institution, but not while in solitary confinement for  
22 violation of the rules of the institution; provided, however,  
23 if a convict had been confined to a county jail or other  
24 correctional or mental institution at any time prior to  
25 sentencing, or after sentencing but prior to his case having  
26 been decided on appeal, because of failure to furnish bail  
27 or because of being charged with a nonbailable offense, he  
28 shall be given credit for such days already served in jail  
29 upon the term of his sentence. The clerk of the district  
30 court of the county from which the convict was sentenced,  
31 shall certify to the warden the number of days so served.

32 Sec. 22. Section two hundred forty-six point thirty-nine  
33 (246.39), unnumbered paragraph one (1), Code 1975, is amended  
34 to read as follows:

35 Each prisoner who shall have no infraction of the rules

1 of discipline of the penitentiary, men's correctional insti-  
2 tution, or the men's or women's reformatory or laws of the  
3 state, recorded against him, and who performs in a faithful  
4 manner the duties assigned to him, shall be entitled to a  
5 reduction of sentence as follows, and if the sentence be for  
6 less than a year, then the pro rata part thereof:

7 Sec. 23. Section two hundred forty-six point forty-seven  
8 (246.47), Code 1975, is amended to read as follows:

9 246.47 PATIENTS FOR MEDICAL RESEARCH. The state director  
10 may send to the hospital of the medical college of the state  
11 university inmates of the Iowa state penitentiary, men's  
12 correctional institution, and the men's reformatory for medical  
13 research at the hospital. Before any inmate is sent to the  
14 medical college, he must volunteer his services in writing.  
15 An inmate may withdraw his consent at any time.

16 Sec. 24. Section one hundred forty-two point one (142.1),  
17 Code 1975, is amended to read as follows:

18 142.1 DELIVERY OF BODIES. The body of every person dying  
19 in a public asylum, hospital, county home, penitentiary,  
20 correctional institution, or reformatory in this state, or  
21 found dead within the state, or which is to be buried at  
22 public expense in this state, except those buried under the  
23 provisions of chapter 249, and which is suitable for scientific  
24 purposes, shall be delivered to the medical college of the  
25 state university, or some osteopathic or chiropractic college  
26 or school located in this state, which has been approved under  
27 the law regulating the practice of osteopathy or chiropractic;  
28 but no such body shall be delivered to any such college or  
29 school if the deceased person expressed a desire during his  
30 last illness that his body should be buried or cremated, nor  
31 if such is the desire of his relatives. Such bodies shall  
32 be equitably distributed among said colleges and schools  
33 according to their needs for teaching anatomy in accordance  
34 with such rules as may be adopted by the state department  
35 of health. The expense of transporting said bodies to such

1 college or school shall be paid by the college or school  
2 receiving the same. In the event the deceased person has  
3 not expressed a desire during his last illness that his body  
4 should be buried or cremated and should have no relatives  
5 that request his body for burial or cremation, if a friend  
6 objects to the use of the deceased person's body for scientific  
7 purposes, said deceased person's body shall be forthwith  
8 delivered to such friend for burial or cremation at no expense  
9 to the state or county. Unless such friend provides for  
10 burial and burial expenses within five days, the body shall  
11 be used for scientific purposes under this chapter.

12 Sec. 25. Section one hundred forty-two point three (142.3),  
13 Code 1975, is amended to read as follows:

14 142.3 NOTIFICATION OF STATE DEPARTMENT. Every county  
15 medical examiner, funeral director or embalmer, and the  
16 managing officer of every public asylum, hospital, county  
17 home, penitentiary, correctional institution, or reformatory,  
18 as soon as any dead body shall come into his custody which  
19 may be used for scientific purposes as provided in sections  
20 142.1 and 142.2, shall at once notify the nearest relative  
21 or friend of the deceased, if known, and the state depart-  
22 ment by telegram, and hold such body unburied for forty-eight  
23 hours. Upon receipt of such telegram the department shall  
24 telegraph instructions relative to the disposition to be made  
25 of said body. Complete jurisdiction over said bodies is  
26 vested exclusively in the state department of health. No  
27 autopsy or post-mortem, except as are legally ordered by  
28 county medical examiners, shall be performed on any of said  
29 bodies prior to their delivery to the medical schools.

30 Sec. 26. Section one hundred forty-five point one (145.1),  
31 Code 1975, is amended by striking subsection four (4).

32 Sec. 27. Section one hundred forty-five point two (145.2),  
33 Code 1975, is amended to read as follows:

34 145.2 QUARTERLY REPORTS OF DEFECTIVE. Each member of  
35 said board and the warden wardens of the penitentiary, men's

1 correctional institution, and the-warden-of-the men's  
2 reformatory, shall, annually, on the first day of January,  
3 April, July and October, report to the state board of eugenics  
4 the names of all persons, male or female, living in this  
5 state, of whom he or she may have knowledge, who are mentally  
6 ill or retarded, syphilitic, habitual criminals, moral  
7 degenerates, or sexual perverts and who are a menace to  
8 society.

9 Sec. 28. Section two hundred twenty-six point one (226.1),  
10 Code 1975, is amended by striking subsection one (1).

11 Sec. 29. Section six hundred eighty-seven point two  
12 (687.2), Code 1975, is amended to read as follows:

13 687.2 "FELONY" DEFINED. A felony is a public offense  
14 which is, or in the discretion of the court may be, punished  
15 by imprisonment in the penitentiary ~~or~~, men's correctional  
16 institution, men's reformatory or the women's reformatory.

17 Sec. 30. Section seven hundred forty-five point one  
18 (745.1), Code 1975, is amended to read as follows:

19 745.1 PRISON BREACH--ESCAPE--PUNISHMENT. If any person  
20 committed to the penitentiary, men's correctional institu-  
21 tion, or to the men's or women's reformatory shall break such  
22 prison and escape therefrom or shall escape from or leave  
23 without due authority any building, camp, farm, garden, city,  
24 road, street, or any place whatsoever in which he is placed  
25 or to which he is directed to go or in which he is allowed  
26 to be by the warden or other officer or employee of the prison  
27 whether inside or outside of the prison walls, he shall be  
28 deemed guilty of an escape from said penitentiary, men's  
29 correctional institution, or reformatory and shall be pun-  
30 ished by imprisonment in said penitentiary, men's correctional  
31 institution, or reformatory for a term not to exceed five  
32 years, to commence from and after the expiration of the term  
33 of his previous sentence.

34 Sec. 31. Section seven hundred forty-five point three  
35 (745.3), Code 1975, is amended to read as follows:

1       745.3 VIOLATION OF PAROLE. If any person having been  
2 paroled from the state penitentiary, men's correctional  
3 institution, or state reformatory as provided by law, shall  
4 thereafter depart without the written consent of the board  
5 of parole from the territory within which by the terms of  
6 said parole he is restricted, he shall be deemed to have  
7 escaped from the custody within the meaning of section 745.1  
8 and shall be punished as therein provided.

9       Sec. 32. Section seven hundred forty-five point four  
10 (745.4), Code 1975, is amended to read as follows:

11       745.4 JURISDICTION. The jurisdiction of an indictment  
12 for the crime of escape as defined in sections 745.1 to 745.3,  
13 inclusive, is in the county in which is located the ~~peniten-~~  
14 ~~tiary-or-reformatory~~ institution to which the person charged  
15 with such escape has been committed, or in the county in which  
16 is located the building, camp, farm, garden, city, road,  
17 street, or any place in which he is placed or to which he  
18 is directed to go or in which he is allowed to be by the  
19 warden or any officer or employee of the prison wherefrom  
20 he is charged with escaping.

21       Sec. 33. Section seven hundred forty-nine point four  
22 (749.4), Code 1975, is amended to read as follows:

23       749.4 FINGERPRINTS AND PHOTOGRAPHS AT INSTITUTIONS. It  
24 shall be the duty of the wardens of the penitentiary, men's  
25 correctional institution, and men's reformatory, and  
26 superintendents of the women's reformatory, the Iowa training  
27 school for boys, and the Iowa training school for girls, to  
28 take or procure the taking of the fingerprints, and, in the  
29 case of the penitentiary, men's correctional institution,  
30 men's reformatory, and women's reformatory only, Bertillon  
31 photographs of any person received on commitment to their  
32 respective institutions, and to forward such fingerprint  
33 records and photographs within ten days after the same are  
34 taken to the division of criminal investigation and bureau  
35 of identification, Iowa department of public safety, and to

1 the federal bureau of investigation.

2 It shall also be the duty of the said wardens and  
3 superintendents to procure the taking of five- by seven-inch  
4 photographic negative showing a full length view of each  
5 convict, prisoner or inmate of the penitentiary, men's  
6 correctional institution, men's reformatory, and women's  
7 reformatory in his or her release clothing immediately prior  
8 to his or her discharge from the institution either upon  
9 expiration of sentence or commitment or on parole, and to  
10 forward such photographic negative within two days after the  
11 same is taken to the division of criminal investigation and  
12 bureau of identification, Iowa department of public safety.

13 Sec. 34. Section seven hundred seventy-four point ten  
14 (774.10), Code 1975, is amended to read as follows:

15 774.10 INDICTMENT AGAINST CONVICT IN PENITENTIARY. Upon  
16 the return of an indictment or upon the filing of a trial  
17 information for any offense which may be punished by death  
18 or life imprisonment, against any person confined in the  
19 penitentiary, men's correctional institution or men's  
20 reformatory, the court to which such indictment is returned  
21 may enter an order directing that such person be produced  
22 before it for trial. The sheriff shall execute such order  
23 by serving a copy thereof on the warden having such accused  
24 person in custody and thereupon such person shall be delivered  
25 to such sheriff and conveyed to the place of trial.

26 Sec. 35. Section seven hundred eighty-nine point sixteen  
27 (789.16), Code 1975, is amended to read as follows:

28 789.16 PLACE OF COMMITMENT. Any male person who shall  
29 be committed to the penitentiary, except those convicted of  
30 murder, treason, sodomy, or incest, and who at the time of  
31 commitment is between the ages of sixteen and thirty years,  
32 and who has never before been convicted of a felony, shall  
33 be confined in the men's correctional institution or  
34 reformatory; provided, however, that persons between the ages  
35 of sixteen and thirty years convicted of rape, robbery, or

1 of breaking and entering a dwelling house in the nighttime  
2 with intent to commit a public offense therein, may, as the  
3 particular circumstances may warrant, in the discretion of  
4 the court, be committed to either the men's reformatory at  
5 Anamosa, the men's correctional institution at Mount Pleasant,  
6 or the penitentiary at Fort Madison.

7 Sec. 36. This Act shall be effective July 1, 1977.

8 Sec. 37. The commissioner of the department of social  
9 services shall convert the mental health institute at Mount  
10 Pleasant into a men's correctional facility as expeditiously  
11 as possible and transfer the mental health patients to other  
12 state mental health institutes. Inmates of the men's reforma-  
13 tory may be housed at the facility at Mount Pleasant prior  
14 to the effective date of this Act and shall still be considered  
15 as inmates of the men's reformatory until the effective date  
16 of this Act.

17 EXPLANATION

18 The bill terminates the Mental Health Institute at Mount  
19 Pleasant and converts the facility into a medium security  
20 men's correctional institution. A transitional period is  
21 provided.

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